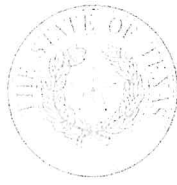


Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 2, 2019

CERTIFIED MAIL #91 7199 9991 7039 6482 2168
RETURN RECEIPT REQUESTED

Mr. Rick Crabtree
Vice President and General Manager
Formosa Point Comfort Plant
PO Box 700
Point Comfort, Texas 77978-0700

Re: Notice of Enforcement for the Follow-up, Reconnaissance, and Complaint investigations at:
Formosa Point Comfort Plant, 201 Formosa Drive, Point Comfort (Calhoun County), Texas
Regulated Entity No.: 100218973; TCEQ ID No.: WQ0002436000; Investigation No.: 1533314;
Incident Nos.: 298701, 300459, 301354, 302025, 303436, and 305299

Dear Mr. Crabtree:

On December 12, 2018 and January 17, 2019, Mr. Zack Fuqua, Ms. Jessica Fox, and Mr. Trent Pinion of the Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region Office conducted investigations of the above-referenced regulated entity to evaluate compliance with applicable requirements for *wastewater treatment*. During this investigation, a certain outstanding alleged violation was documented. Enclosed is a summary which lists the investigation findings and recommended corrective actions. Additional recommended corrective actions may be provided by the Enforcement Division.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Corpus Christi Region Office at 361-825-3100 or the Central Office Publications Ordering Team at 512-239-0028.

Also, please be advised that the Legislature has granted enforcement powers to the TCEQ to carry out its mission to protect human health and the environment. Due to the apparent seriousness of the alleged violation, formal enforcement action has been initiated, and additional violations may be cited upon further review. We encourage you to immediately begin taking actions to address the outstanding alleged violation.

In responding with prompt corrective action, the administrative penalty to be assessed may be limited.

The Commission recognizes that the great majority of the regulated community wants to prevent pollution and to comply with environmental laws. We dedicate considerable resources toward

Mr. Rick Crabtree
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April 2, 2019

making voluntary compliance achievable. But where compliance has not been met it is our duty to protect the public and the environment by enforcing the state's environmental laws, regulations, and permits.

Also, if you believe the violation documented in this notice has been cited in error, **and** you have additional information that we are unaware of, you may request a meeting to discuss this enforcement matter. To request a meeting, send a letter describing the additional information to the address shown below.

Manager, Water Section
Enforcement Division, MC 219
Re: Enforcement Meeting Request
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

If you or members of your staff have any questions, please feel free to contact Mr. Fuqua in the Corpus Christi Region Office at 361-825-3100.

Sincerely,



Melanie Edwards, Water Section Manager
Corpus Christi Region Office
Texas Commission on Environmental Quality

ME/ZF/mjc

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

FORMOSA POINT COMFORT PLANT

201 FORMOSA DR
POINT COMFORT, CALHOUN COUNTY, TX 77978

Investigation #

1533314

Investigation Date: 12/12/2018

Additional ID(s): TX0085570
WQ0002436000

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF ENFORCEMENT

Track No: 690575 Compliance Due Date: 11/19/2018

2D TWC Chapter 26.121(a)(1)

30 TAC Chapter 305.125(1)

30 TAC Chapter 307.4(b)(2)

30 TAC Chapter 307.4(b)(3)

PERMIT WQ0002436000, Eff. Limits and Monitoring RQMTs; No. 3

There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

Alleged Violation:

Investigation: 1484116

Comment Date: 10/03/2018

Failed to prevent the unauthorized discharge of floating solids.

Specifically, during the investigation conducted on April 11, 2018, floating white debris of various sizes (generally smaller than one millimeter) was observed in a sample collected from Outfall 001. The floating white debris was also noted at the Outfall 001 discharge location in Lavaca Bay. During the investigation conducted on June 12, 2018, floating white debris was again observed in a sample collected from Outfall 001. On June 26, 2018, the floating white debris was also observed at the Outfall 001 discharge location in Lavaca Bay as well as the shoreline near the mouth of Lavaca River.

In addition, during the investigation on June 22, 2018, the investigator observed debris (including plastic pellets) throughout the fine screen located immediately prior to the discharge location of Outfall 006. The fine screen design is not installed in a level line across the facility fence, and it appeared a discharge occurred over the fine screen in at least three locations based on the debris level mark. In addition, the investigator documented a washout of the receiving ditch on one side of the gate system had occurred during the rain event. Several pellets and debris were noted in the flow prior to the facility fence line. The debris line on the fine screen as well as the washout indicate that a discharge of pellets and floating white debris had occurred at Outfall 006. In addition, pellets were noted throughout the gate and screen systems of Outfall 008. Facility personnel stated that due to the high flows and buildup of debris, the gates had to be raised. Pellets were noted freely flowing back and forth at the facility fence line of Outfall 008 due to the high water level. Pellets and debris were also noted throughout the screen and gate system of Outfall 009. The investigator witnessed several pellets discharging past the facility's fence line at Outfall 009. Facility representatives stated that heavy rainfall earlier that week led to the conditions noted by the investigator. In addition, the investigator observed plastic pellets and floating white debris that same day in Cox Creek downstream of the facility.

Investigation: 1533314

Comment Date: 04/01/2019

During the investigations conducted on December 12, 2018 and January 17, 2019, the investigators evaluated the compliance status of this outstanding alleged violation.

Specifically, during the investigation conducted on December 12, 2018, the investigators observed a small amount of floating white debris in a sample collected at the Outfall 001 sample spigot. In addition, the investigators observed pellets in the soil of the Outfall 006 discharge ditch wall and a few pellets floating on the water's surface prior the facility fence line.

During the investigation conducted on January 17, 2019, the investigators observed the following:

Outfall 001 – The investigators observed small white debris floating in a sample collected from the Outfall 001 sample spigot.

Outfall 006 - The outfall includes a stormwater gate to allow for controlled discharges from the facility followed by a series of screens designed to prevent the discharge of solids. Pellets and white debris were observed after Outfall 006's stormwater gate throughout the stormwater discharge ditch; however, no pellets were noted flowing past the facility fence line at the time of the investigation.

Outfall 007 – The outfall includes a stormwater gate to allow for controlled discharges from the facility followed by one screen designed to prevent the discharge of solids. During the inspection of Outfall 007, pellets and white debris were observed after the stormwater gate, but only a small amount of white debris was noted past the outfall screen.

In addition, the investigators observed various stormwater controls including the newly installed Parkson Aquaguard system and vacuum trucks that clean stormwater canals and the stormwater outfalls throughout the facility on a regular basis. The vacuum trucks deliver the collected waste to dewatering boxes and the water is then sent to the biological treatment unit prior to the eventual discharge from Outfall 001. It was noted that the small white debris did not appear to be entirely contained by these systems. Specifically, the investigators observed small pieces of white debris past screens throughout the facility, in the final clarifier of the biological treatment system, and in a sample collected at the Outfall 001 sample point.

Recommended Corrective Action: The permittee shall ensure that there is no discharge of floating solids from the facility. The permittee shall also conduct clean-up activities for the plastic pellets and floating white debris, as necessary.

Summary of Investigation Findings

FORMOSA POINT COMFORT PLANT

Investigation # 1533314

201 FORMOSA DR
POINT COMFORT, CALHOUN COUNTY, TX 77978

Investigation Date: 12/12/2018

Additional ID(s): TX0085570
WQ0002436000

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 690560

30 TAC Chapter 305.125(1)

PERMIT WQ0002436000, Operational Requirements No. 1, Pg. 9

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Alleged Violation:

Investigation: 1484116

Comment Date: 09/11/2018

Failed to at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Specifically, during the investigation conducted on April 11, 2018, the investigators noted floating sludge, vegetation, plastic pellets, and other floating solids in the domestic wastewater treatment plant's clarifier.

Investigation: 1533314

Comment Date: 02/04/2019

During the investigation on December 12, 2018, the investigator reviewed documentation submitted by the permittee to evaluate the compliance status of this outstanding alleged violation.

Recommended Corrective Action: The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Submit documentation to the TCEQ Region 14 Office by the compliance due date demonstrating the corrective actions that have been taken to ensure that the clarifier is being properly operated and maintained.

Resolution: On November 26, 2018, the TCEQ Region 14 Office received documentation submitted by the permittee that included a statement indicating that the sanitary unit's clarifier clean-out frequency has been increased from every three to six months to once a month and that the planned replacement of the sanitary unit commenced in May 2018.

